

**THIRD DAY**

(Thursday, June 25, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Krueger
Baker	Lane
Bradshaw	Martin
Colson	Moffett
Crump	Parkhouse
Dies	Phillips
Fly	Ratliff
Fuller	Reagan
Gonzalez	Roberts
Hardeman	Rogers
Hazlewood	Smith
Herring	Weinert
Hudson	Willis
Kazen	Wood

Absent—Excused

Moore	Secrest
Owen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Holy Father, Thou hast told us to be wise as serpents and harmless as doves. Teach us now that a soft answer turneth away wrath, but grievous words stir up anger; may brotherly love prevail, and every moral and social virtue cement us. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence**

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Secrest was granted leave of absence for today on account of important business on motion of Senator Herring.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Crump.

**Message from the House**

Hall of the House of Representatives,  
Austin, Texas,  
June 25, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. No. 6, Granting State employees a holiday on July 3, 1959.

H. B. No. 22, A bill to be entitled "An Act to provide \$400,000 for the additional expenses of the Fifty-sixth Legislature by amending Section 2 of Chapter 241 (H. B. No. 755), Acts 1935, Forty-fourth Legislature, R. S., as amended by Section 2 of subdivision (b) of Section 1, Chapter 1, (H. B. No. 2), Acts 1950, Fifty-first Legislature, First Called Session, as amended by Section 1 of Article I of Chapter 404 (H. B. No. 660), Acts 1955, Fifty-fourth Legislature, R. S., as amended by Section 3 of Chapter 1 (H. B. No. 1), Acts 1959, Fifty-sixth Legislature, R. S., (codified in Vernon's Civil Statutes as Section 2 (e) of Article 7047c-1 so as to divert said amount from cigarette tax collections to the Legislative Expense Fund; appropriating such moneys for the Fifty-sixth Legislature's expenses; requiring the secretaries of the House and Senate to set up and maintain an encumbrance system of accounting effective September 1, 1959; and declaring an emergency."

Respectfully submitted,

DOROTHY HALLMAN,  
Chief, Clerk, House of Representatives

**Senate Concurrent Resolution 2**

Senator Baker offered the following resolution:

S. C. R. No. 2, Requesting Texas Legislative Council to study laws pertaining to Water Control and Improvement Districts.

Whereas, The 55th Legislature of the State of Texas, recognizing the importance of systematic conservation and development of water resources, proposed a constitutional amendment subsequently adopted by the electorate, and

Whereas, This amendment, with appropriate enabling legislation, resulted in the establishment of the Texas Wa-

ter Development Board, authorized to promote the acquiring, improvement, expansion, or construction of dams, reservoirs, and other water storage projects, and

Whereas, The 55th Legislature also created the State Securities Board, designed to protect investors against fraudulent and unsound security issues, and

Whereas, The 56th Legislature has evidenced continued interest in water problems, and their attendant financial aspects, by enactment of additional laws pertaining to specific Water Control and Improvement Districts, and

Whereas, To insure the uninterrupted economic progress of the State of Texas, careful and thorough planning with regard to water resources is imperative, and

Whereas, Further legislation to reinforce the present authority of the Texas Water Development Board, the Board of Water Engineers, and the State Securities Board may be necessary to assure protection to citizens who invest their funds in bonds issued by Water Control and Improvement Districts, and

Whereas, Undue speculative profits by real estate developers involved in the financing of new Water Control and Improvement Districts are inimical to the best interests of the State and the people it serves, and

Whereas, The citizens of Texas are entitled to all possible statutory safeguards against questionable use of public funds; now, therefore, be it

Resolved, By the Senate of the State of Texas, the House of Representatives concurring, That the Texas Legislative Council be requested to make a comprehensive study of the laws pertaining to Water Control and Improvement Districts, supplementing and incorporating previous studies of this subject which have been made by the Water Resources Committee and other official agencies; and, be it further

Resolved, That the Legislative Council shall include in its study an examination of the current provisions for establishment, direction, powers, bonds, and taxes pertaining to Water Control and Improvement Districts; and, be it further

Resolved, That the present responsibilities of the Texas Water Development Board, the Board of Water Engineers, the State Securities Board,

the Attorney General, the Commissioner of the General Land Office, the State Board of Health, and other State agencies be studied by the Legislative Council with a view toward recommending any further legislation which it may find or deem necessary to protect the public interest in financial aspects of Water Control and Improvement Districts; and, be it further

Resolved, That all State agencies concerned shall, upon request of the Legislative Council, give all possible assistance in this study; and, be it further

Resolved, That the Legislative Council be, and it hereby is, requested to report its findings and recommendations to the 57th Legislature.

The resolution was read and was referred to the Committee on State Affairs.

#### Senate Bill 8 on First Reading

By unanimous consent the following bill was introduced, read first time and referred to the committee indicated:

By Senator Willis:

S. B. No. 8, A bill to be entitled "An Act amending Subsection (4) of Section 2 of Article XX, Chapter 184, Acts of the Forty-seventh Legislature, Regular Session, 1941, as last amended by House Bill No. 5, Acts of the Fifty-sixth Legislature, 1st Called Session, 1959 (compiled as Subsection 4 of Section 2 of Vernon's Annotated Civil Statutes of Texas) so as to increase the allocation to the "Old Age Assistance Fund"; and declaring an emergency."

To the Committee on Finance.

#### Senate Resolution 16

Senator Phillips offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Mr. and Mrs. Hector Vela of Texas City; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Phillips by unanimous consent presented Mr. and Mrs. Vela to the Members of the Senate.

#### **Motion to Place House Concurrent Resolution 6 on Second Reading**

Senator Herring asked unanimous consent to suspend the regular order of business and take up H. C. R. No. 6 for consideration at this time.

Senator Hardeman raised the point of order that H. C. R. No. 6 was not within the subjects designated by the Governor in his Proclamation calling this Special Session.

The President sustained the point of order.

#### **Report of Standing Committee**

Senator Fly submitted the following report:

Austin, Texas,  
June 25, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred S. B. No. 6, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass as amended and be printed.

FLY, Chairman.

#### **Senate Resolution 17**

Senator Herring offered the following resolution:

Whereas, We are honored today to have as visitors in the Senate Miss Mercedes Achinelli, Administrator of Paraguay's National Archives and Library of the Ministry of Education, and her interpreter, Mrs. Dorothy Tercero of the Department of State, Washington, D. C.; and

Whereas, These visitors are spending three weeks visiting the Texas State Library and other library systems in Austin as a part of a three months visit to the United States of Miss Mercedes Achinelli in cooperation with the Department of State Exchange Program and the Pan American Union; and

Whereas, We desire to welcome these distinguished visitors to the Capitol Building and the Capital City; now, therefore, be it

Resolved, That their presence be recognized by the Senate of Texas and

that they be extended the official welcome of the Senate.

The resolution was read and was adopted.

Senator Herring by unanimous consent presented the distinguished visitors to the Members of the Senate.

#### **House Bill on First Reading**

The following bill received from the House, was read the first time and referred to the Committee indicated:

H. B. No. 22, To the Committee on Finance.

#### **Senate Resolution 18**

Senator Roberts offered the following resolution:

Whereas, Friday, June 26, 1959, marks the birthday of a distinguished Texan, Senator Floyd Bradshaw of Weatherford, Parker County, Texas; and

Whereas, It is the desire of his colleagues to recognize this important event as he marks another milestone on life's highway; and

Whereas, The Senate desires to extend greetings and felicitations to him on this anniversary of his birth; now, therefore, be it

Resolved, by the Senate of the Second Called Session of the 56th Legislature, That Senator Floyd Bradshaw be extended best wishes and congratulations; and that a copy of this resolution be forwarded to him as a token of our admiration and respect.

ROBERTS  
KRUEGER

Signed—Ben Ramsey, Lieutenant Governor; Aikin, Baker, Colson, Crump, Dies, Fly, Fuller, Gonzales, Hardeman, Hazlewood, Herring, Hudson, Kazen, Lane, Martin, Moffett, Moore, Owen, Parkhouse, Phillips, Ratliff, Reagan, Rogers, Secrest, Smith, Weinert, Willis, Wood.

The resolution was read.

On motion of Senator Wood and by unanimous consent the names of the Lieutenant Governor and the Senators were added to the resolution as signers thereof.

The resolution was then adopted.

**Senate Bill 9 on First Reading**

By unanimous consent the following bill was introduced, read first time and referred to the Committee indicated:

By Senators Baker, Phillips, Fuller and Krueger:

S. B. No. 9, A bill to be entitled "An Act affirming and protecting the right of the public to use State-owned beaches bordering on the seaward shore of the Gulf of Mexico; providing for severability; and declaring an emergency."

To the Committee on State Affairs.

**Senate Resolution 19**

Senator Gonzalez offered the following resolution:

Whereas, It has become apparent that there is widespread ignorance as to the true and proper and glorious nature of the Lone Star flag; and

Whereas, This has led to a near desecration as revealed in a recent publication in which a nationally famous movie star brazenly displays the Lone Star flag upside down; and

Whereas, This grand flag has long been an emblem to all proud Texans of the greatness of their State; now, therefore, be it

Resolved, by the Senate of the State of Texas, That it register its protest to this careless and irresponsible display and use of the Lone Star flag.

The resolution was read and was adopted.

**Senate Bill 10 on First Reading**

By unanimous consent the following bill was introduced, read first time and referred to the Committee indicated:

By Senator Fly:

S. B. No. 10, A bill to be entitled "An Act amending Section 6, Senate Bill 222, Fifty-fifth Legislature, Regular Session, providing for the removal of offices, and declaring an emergency."

To the Committee on State Affairs.

**Senate Concurrent Resolution 3**

Senator Fly offered the following resolution:

S. C. R. No. 3, Granting J. W. Doremus, et al., permission to sue the State of Texas.

Whereas, It has been admitted by the County Judge of Calhoun County, Texas, that certain properties were erroneously included in that certain conveyance to the State Parks Board hereinafter mentioned; and, be it further

Resolved, by the Senate of Texas, and the House of Representatives concurring, That J. W. Doremus, Ben F. Foster, George R. Thompson, R. G. Harris, Mrs. Myrtle H. Foester, Curtis M. Foester, Jr., and Ann Beth Foester Bone, The Guardian Trust Company, a corporation, Amanda G. Church, William C. Church, Sr., William C. Church, Jr., L. C. Coats, Sr., L. C. Coats, Jr., D. L. Haberle, L. B. Haberle, and any of their heirs or legal representatives or successors or assigns individually or any one or more of them, is and are hereby granted permission to bring suit against the State of Texas and the State Parks Board in a District Court in and for Calhoun County, Texas, with venue in said Calhoun County, to recover title and possession of, or to quiet title to, all and singular any character of land, mineral, or interest in land or mineral, erroneously included in that certain instrument of conveyance by the County of Calhoun, Texas, made to the State Parks Board of the State of Texas, dated 18th day of March, 1958, and recorded in the Deed Records of Calhoun County, Texas, in Volume 137 at pages 575 to 583 thereof, the said deed and said record thereof being made a part of this resolution for certainty; now, therefore, be it further

Resolved, The sole purpose of this resolution is to grant permission to the hereinbefore named and any of them and their respective heirs, legal representatives, assigns or successors, one or more, to bring suit against the State of Texas and the State Parks Board, and no admission of liability or of any fact is made in any way by the passage of this resolution, and it is specifically provided that the facts upon which such hereinbefore named or described parties seek to recover must be proved in court as in other civil cases; and, be it further

Resolved, That service of citation for the purpose herein granted may be had upon the State of Texas and the State Parks Board by serving the Attorney General of Texas; and, be it further

Resolved, That any party to any

suit brought hereunder shall have the right of appeal as provided for in other civil cases.

The resolution was read and was referred to the Committee on Jurisprudence.

#### Report of Standing Committee

Senator Herring submitted the following report:

Austin, Texas,  
June 25, 1959.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Claims, to whom was referred S. B. No. 1, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HERRING, Chairman.

#### Senate Bill 1 Ordered Not Printed

On motion of Senator Herring and by unanimous consent S. B. No. 1 was ordered not printed.

#### Senate Concurrent Resolution 4

Senator Gonzalez offered the following resolution:

S. C. R. No. 4, Granting each House permission to adjourn for a period longer than three days.

Be it resolved, By the Senate of the State of Texas, the House of Representatives concurring, that either House be given permission to adjourn for a period longer than three days.

The resolution was read and was adopted.

#### Record of Votes

Senators Herring, Moffett, Phillips, Colson, Hazlewood, Willis, Crump, Hardeman, Kazen, Smith, Krueger, Roberts and Aikin asked to be recorded as voting "Nay" on the adoption of the above resolution.

#### Adjournment

On motion of Senator Hudson the Senate at 11:27 o'clock a.m. adjourned until 10:30 o'clock a.m. on Monday, June 29, 1959.

#### Record of Votes

Senators Phillips, Colson, Herring, Hazlewood, Willis, Moffett, Harde-

man, Smith, Aikin, Krueger, Gonzalez, Roberts and Wood asked to be recorded as voting "Nay" on the motion to adjourn.

#### FOURTH DAY

(Monday, June 29, 1959)

The Senate met at 10:30 o'clock a.m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following senators were present:

Aikin	Lane
Baker	Martin
Bradshaw	Moffett
Colson	Moore
Crump	Parkhouse
Dies	Ratliff
Fly	Reagan
Fuller	Roberts
Gonzalez	Rogers
Hardeman	Secrest
Hazlewood	Smith
Herring	Weinert
Kazen	Willis
Krueger	Wood

#### Absent—Excused

Hudson	Phillips
Owen	

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

"Our Father, 'Righteousness exalteth a nation; but sin is a reproach to any people.' Teach us now that our State is no better than its citizens, and no stronger than those in whom we trust with responsibilities. Make us trustworthy. For Christ's sake. Amen."

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, June 25, 1959, was dispensed with and the Journal was approved.

#### Leaves of Absence

Senator Hudson was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Owen was granted leave of absence for today on account of important business on motion of Senator Herring.